

Notice of Allowability

Application No.

10/670,272

Applicant(s)

SCHAIBLE ET AL.

Examiner

Art Unit

Bernard E. Souw

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amdt 04/25/2005.
2. ☒ The allowed claim(s) is/are 1-27.
3. ☒ The drawings filed on 26 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Telephone Interview

1. A telephone interview has been conducted on July 22, 2005 between John R. Lee, Supervisory Patent Examiner AU 2881, and Applicant's Attorney, Anne Kinsman, Registration No. 45,295, with regard to the Advisory Action mailed 06/09/2005. This Office Action is a result of that telephone interview.

Previous Finality Withdrawn

2. As a result of the 07/22/2005 interview, the Advisory Action mailed 06/09/2005 and the Finality of the Office Action mailed 02/23/2005 are now withdrawn.

ALLOWANCE

3. Claims 1-27 are allowed.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

A sensor unit for use in an ultraviolet (UV) fluid treatment system comprising a fluid treatment zone, wherein both the UV lamp and the fluid flow sensor unit are disposed within the fluid treatment zone, as recited in claims 1, 13 and 21, has neither been anticipated nor rendered obvious by any prior art.

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Claims 2-12, 14-20 and 22-27 are also allowed because of its/their dependencies, either directly or indirectly, upon claims 1, 13 or 21.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Relevant Prior Art

6. This prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

► USPAT # 6,436,299, issued to Baarman et al., and USPAT # 6,200,466, issued to Bender, both disclose an ultraviolet (UV) fluid treatment system comprising a fluid treatment zone and a flow sensor unit. However, neither Baarman's nor Bender's flow sensor is disposed within the fluid treatment zone.

► USPAT 6,317,051 issued to Cohen discloses a flow sensor unit disposed within a flowing fluid. However, Cohen's system is not directed for treating fluid by ultraviolet radiation, but for detecting leaks and/or flow stagnations in the system.

► USPAT 6,264,836, issued to Lantis, discloses an ultraviolet (UV) fluid treatment system comprising a fluid treatment zone and a flow sensor unit. Flow sensor 16 in Lantis's prior art (Fig.1) is disposed near the flashlamp bank 8. However, it is not recited or illustrated whether or not the flashlamp itself is disposed in the flowing fluid.

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In Lantis's own invention shown in Fig.3 flashlamp 52 is disposed inside the fluid treatment zone 48. However, no flow sensor is recited in the specification or shown in Fig.3, but only water contaminant level sensor 60. Similarly, no flow sensor is shown or recited in reference to Lantis's embodiment depicted in Fig.2, but only water level sensor 24 disposed in reservoir 22.


Communications

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard E Souw whose telephone number is 571 272 2482. The examiner can normally be reached on Monday thru Friday, 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on 571 272 2477. The central fax phone number for the organization where this application or proceeding is assigned is 571 273 8300 for regular communications as well as for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571 272 5993.

bes
July 22, 2005


JOHN R. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800